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December 21, 2005

Mr. Will White  
Bureau of Housing and Community Development  
421 SW 6<sup>th</sup> Ave  
#1100  
Portland OR 97204

Re; response to "Impediments to Fair Housing"

Dear Will,

A recently produced Draft Recommendation Matrix received for prioritization has been reviewed by our Legislative Committee as well as members of our Board. Based on that review, there are several issues that need to be referenced in the final memo to BHCD in order to insure that the reader fully understands the scope of the study and the efficacy of recommended solutions. The Metro Board recognizes the need to address the many concerns raised in the Impediments study but believes that serious consideration must be given to any policy that will impose significant costs on both the for profit and affordable sectors alike prior to implementation.

It is important to note that all of us are interested in serving the tenants in this community with fairness and respect. Our shared objectives should include the maximization of housing availability wherever possible, not the imposition of additional regulation and costs that will make housing neither more affordable nor more available. Many of the recommendations as currently presented are not appropriate and do not offer an accurate representation of the state of housing in our community.

The recent draft of the matrix included references to impediments related to discrimination in what seems to be an excessive amount. The record simply does not support this emphasis on addressing discrimination in housing as a primary impediment. In fact, certain references to discrimination appeared to have more to do with issues of supply of a particular type of housing rather than acts of discrimination.

Using the statistics provided in the December draft of the Impediments, there appeared to be a total of 392 discrimination complaints (including both those found to have merit and those that were in fact unfounded) out of a reported sample base of 292, 696 units over a varying periods. Specifically:

The Fair Housing Council reported discrimination complaints from all sources for the period 7/1/04 – 6/30/05 to be 87.

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Legal Aid Services of Oregon reported for the same period a total of 122 complaints.

HUD for the period 1/1/97 to 12/31/02 (five years) a total of 183 or an approximate average of 36 complaints per any one year

BOLI reported a total of 19 complaints over the one year period of 7/1 – 6/30/05 (although the BOLI data was omitted from another draft of the information we reviewed)

Assuming the average HUD complaint total to be 36 per any given year, then a reasonable total for the 12 months between 7/1/04 and 6/30/05 would be 264 complaints in one twelve month period out of the given total of 292,696 units in the survey area. This would include the 19 BOLI complaints omitted from the recent draft we reviewed.

This would seem to indicate an approximate .1% (one-tenth of one percent) occurrence of discrimination complaints filed during the year being examined. Using this same comparison, it would also appear that 99.99% of residents did not experience housing discrimination. If you presume that not 100% of the complaints are verified, the incidence is reduced. (The December draft states that the number of complaints does not reflect actual findings of discrimination). Further, even if you accept the premise that some residents experienced discrimination but did not complain, the incidence of actual discrimination still remains miniscule.

Complaint driven data that has not been validated but still results in such a small number of incidents would certainly appear to indicate overall good intentions on the part of most landlords and describes a community where education and communication are certainly working. Indeed, it would seem hard to imagine obtaining better results under any circumstance. Suggesting draconian and costly measures such as landlord licensing (presumably including managers of real property already licensed by the state) and the elimination of 'no cause notices': which penalizes conscientious landlords, the vast majority of tenants and creates unnecessary and costly redundancies would not seem to be productive.

There are currently a number of government entities that regulate the property management industry; creating additional redundancy in government does not seem to be a responsible recommendation. Metro Multifamily Housing Association rejects the notion that punishing responsible landlords with additional and costly regulation will change the behavior for those that are not complying with rules already of record. This small number of individuals is frustrating for all of us. To the end of offering a positive means to address the relatively few instances of discrimination found to be valid and, more importantly, to assist in reducing the number of complaints lodged in the first place, it would be our suggestion that Metro serve as a resource to those that believe they have been the victims of discrimination. We are prepared to offer to intercede in those instances in which a tenant has a discrimination-related complaint against any one of our members. Representing owners and managers of over 130,000 apartment units in the greater Portland Metro area, Metro can certainly assist in a percentage of these situations.

With respect to concerns raised with respect to those that are not members of Metro, we would suggest that we collaborate with local governmental agencies to enhance the funding for additional education of both landlords and tenants.

We are and will remain fully committed to the goal of discouraging and eliminating discrimination in any form at all levels in our business. Clearly the above data point not just to great progress but actual success in eliminating housing discrimination in the Portland area. These results should be clearly acknowledged and should serve as a support for other productive measures that can be taken – such as Metro's offer to assist in resolving those instances of discrimination that are still occurring in spite of our best efforts. Overemphasizing the relatively low incidence of discrimination does not seem to place this type of impediment in proper perspective. Further, this may cause a de-emphasis on actions that would actually serve to assist residents such as better tenant education and active lobbying of funding sources for additional financing and incentives to provide the needed housing.

We do believe it to be in our best interest to offer solutions to address some of the remaining areas outlined in the matrix.


1 Real Estate Transfer Tax – Housing supply is a city wide challenge and should be funded at the city level – not by unfairly taking resources from one sector of the economy.

2 Landlord Licensing – Many landlords (including a number of Metro Members) are already licensed. It is neither fair nor logical to insist on yet another costly bureaucracy to license those already licensed. This is a particularly valid concern in light of the extremely low rates of discrimination noted above and the potential cost of such an effort.

3 Housing Condition – we already have in place a mechanism for dealing with landlords who are not taking care of their property. The city inspector's office should be handling this role and if in fact they are not effectively doing that job, change should be brought about at the city level to ensure better compliance.

Let me close by saying the Metro Multifamily Housing Board of Directors, Legislative Committee and I would be happy to collaborate with the Bureau to increase the amount of education available and to foster more effective communication. We will have additional responses to the points raised in this study shortly.

Thanks for your interest in our concerns. We look forward to working with you in arriving at a final document that is both accurate and informative.

Sincerely,  


Deborah Imse  
Executive Director